

WGB/lmm/Doc#1864017

4623-08006

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

OTIS ELEVATOR,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:08-cv-01107
)	
EMERSON ELECTRIC CO. d/b/a)	Judge Ronald A. Guzman
U. S. ELECTRICAL MOTORS, INC., and)	Magistrate Judge Sidney I. Schenkier
CHAMPLAIN CABLE CORPORATION,)	
)	
Defendants.)	

AGREED MOTION FOR AN ENLARGEMENT OF TIME
FOR THE FILING OF DEFENDANTS' RESPONSIVE PLEADINGS

NOW COMES one of the defendants, EMERSON ELECTRIC CO., by and through its attorneys, John W. Bell and William G. Beatty; Johnson & Bell, Ltd., of counsel, and moving this Honorable Court for the entry of an order, pursuant to the agreement of plaintiff's counsel, for an enlargement of time to June 17, 2008, for the defendants to file their responsive pleadings in this matter, here states as follows:

1. This case involves a commercial dispute between plaintiff, Otis Elevator Company ("Otis"), and defendants, Emerson Electric Co. ("Emerson") and Champlain Cable Corporation ("Champlain"), over the performance of certain motors manufactured and sold by Emerson which were installed in certain Otis elevators, which are claimed to have experienced failures in the field due to alleged deficiencies in the insulation of the lead wires for said motors.

2. In an attempt to explore an early resolution of this dispute, a high-level meeting of business personnel and engineering personnel from Otis, Emerson and Champlain has been

scheduled for Tuesday, June 3, 2008, in order to allow the parties to exchange information about the plaintiff's claims and to determine how to best address the issues raised by Otis concerning the performance of the motors in question.

3. Among the matters discussed by counsel for the parties thus far is a possible postponement of the filing of responsive pleadings by the defendants until after the June 3 meeting so that the time and resources of the parties can be directed toward a possible resolution of this claim rather than procedural matters associated with the litigation.

4. Counsel for defendant Emerson, John W. Bell and William G. Beatty, have spoken with counsel for Otis, Harry Cornett and Steven Rouse, regarding an enlargement of time, to a date following the June 3 meeting, for the defendants to file their responsive pleadings in this matter. Plaintiff's counsel have stated that they have no objection to this proposal.

5. Pursuant to the rule for waiver of summons that Emerson had agreed to, Emerson's responsive pleadings to the plaintiff's Complaint would otherwise be due on May 19, 2008.

6. It is respectfully requested, pursuant to the agreement of the parties, that the defendants be granted a period of 14 days following the June 3 meeting, *i.e.* until June 17, 2008, in which to file their responsive pleadings in this matter in the event that a resolution of this case is not reached prior to that date.

WHEREFORE, the defendant, EMERSON ELECTRIC CO., respectfully requests the entry of an order, pursuant to the agreement of the parties, granting the defendants until June 17, 2008 in which to file their respective responsive pleadings in this matter.

Respectfully submitted,

s/ William G. Beatty

William G. Beatty Bar Number: 03121542

One of the attorneys for Defendant

Emerson Electric Co.

Of Counsel

Johnson & Bell, Ltd.

33 West Monroe Street, Suite 2700

Chicago, IL 60603

Telephone: (312) 372-0770

Fax: (312) 372-2881

E-mail: beattyw@jbltd.com

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2008, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

s/ William G. Beatty

William G. Beatty Bar Number: 03121542

One of the attorneys for Defendant

Emerson Electric Co.

Of Counsel

Johnson & Bell, Ltd.

33 West Monroe Street, Suite 2700

Chicago, IL 60603

Telephone: (312) 372-0770

Fax: (312) 372-2881

E-mail: beattyw@jbltd.com